

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEO BIRDSALL,

and

QI PING BIRDSALL,

Defendants.

NO. CR06-284JCC

ORDER CONTINUING
TRIAL DATE

This matter comes before the Court on Stipulation to Continue the Trial Date (Dkt. No. 25) filed by the United States of America and Defendants Leo Birdsall and Qi Ping Birdsall.

The current Motions Cutoff Deadline is October 26, 2006 and the current trial date is December 4, 2006.

Having considered the entirety of the file and records herein, and the reasons set forth in the Stipulation, the Court finds it necessary to continue the trial date to ensure continuity of effective assistance of counsel and to allow the parties additional time to engage in plea discussions and prepare for trial if such discussions do not result in a resolution of this case. A denial of the requested extensions would unreasonably deny Defendants adequate preparation by their attorneys and would deny counsel reasonable time to prepare. Due to these factors, exclusion of additional time under 18 U.S.C. §§ 3161(h)(8)(B)(i) and 3161(h)(8)(B)(iv) is appropriate, taking into account the exercise of due diligence.

The proposed continuance of the trial does not appear to prejudice any party. The Court

1 finds that failure to grant the requested continuance likely would result in a miscarriage of justice.
2 The Court further finds that the interests of the public and the Defendants in a speedy trial in this
3 case are outweighed by the ends of justice, within the meaning of 18 U.S.C. § 3161(h)(8)(A).
4

5 Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be
6 extended to December 28, 2006, with a new trial date of January 22, 2007. Voir Dire, Trial
7 Briefs and Jury Instructions shall be due by January 18, 2007. The time between the date of this
8 Order and the new trial date shall be excludable time under the Speedy Trial Act pursuant to 18
9 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(i), and 3161(h)(8)(B)(iv) as to both Defendants.

10 Dated this 29th day of November, 2006.

11
12 
13 John C. Coughenour
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28